

PLANNING BOARD**MEETING MINUTES****AUGUST 24, 2006****MEMBERS PRESENT**

Peg Birney
Brian Callahan
Tom Chang, Alternate
Thomas J. Knips, Chairman
Robert LaColla
Robert Rahemba
Joel Sasser, Alternate
David Stenger

MEMBERS ABSENT

Sheila Lahey, Vice Chair

OTHER PRESENT

John V. Andrews, Jr., P.E., Town Engineer
Christopher J. Colsey, Town Municipal Development Director
Anthony DiSiena
Liz Dreeban
Katherine Griffin
Richard Rang, P.E.
Reg Walters
Peter Galotti
Daniel Zalinsky
John Maucieri
Timothy O'Brien
Daniel Simone

The meeting was called to order by Thomas J. Knips, Chairman at 7:00 p.m. Mr. Knips appointed Mr. Chang to fill in for Mr. Rahemba this evening. Mr. Knips amended his appointment of Mr. Chang to fill in for Mr. Rahemba as Mr. Rahemba came to the meeting.

AUGUST 10, 2006 PLANNING BOARD MEETING MINUTES

Mrs. Birney made a motion to adopt the August 10, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. Stenger. Seconded by Mr. LaColla. Motion carried.

SPLASHDOWN BEACH

Mr. LaColla recused himself from this discussion.

Mr. Knips stated that a letter has been received from Mr. Turk of Splashdown Beach requesting that the Board consider amending their Resolution of Approval regarding the PA system. Mr. Colsey asked that Board to consider scheduling a review of Mr. Turk's request at the September 14, 2006 Planning Board meeting.

Mr. Stenger made a motion to schedule Splashdown Beach for the review at the September 14, 2006 Planning Board meeting. Seconded by Mrs. Birney. Mr. LaColla abstained. Motion carried.

FINAL

REVIEW
A & L SERVICE CENTER - AMENDED SITE DEVELOPMENT PLAN

Mr. Colsey stated the Applicant has agreed that there will be no retail signage and that the signage will be what is required to be posted for the retail sale of the propane. Mr. Colsey presented the actual signage to be utilized. Mr. Colsey reviewed the draft letter to file.

Mr. LaColla made a motion to accept the letter as written and that the Chairman sign it. Seconded by Mrs. Birney. Motion carried.

REVIEW
RAINBOW RIDGE PET CEMETERY & CREMATORY - SITE DEVELOPMENT PLAN
AND SPECIAL USE PERMIT

Mr. Volkman stated in February of 2006 the Planning Board approved a Resolution of Approval for Site Development Plan & Special Use Permit and there were a number of conditions that were part of the resolution that needed to be satisfied prior to the signing of the final plans. Mr. Volkman stated that condition no. 6 on the resolution states, "The subsurface disposal system for the adjacent property is located on this lot. The Town of Fishkill Planning Board requires that this subsurface disposal system be relocated onto the lot which it serves or an easement suitable in form and content to the Town of Fishkill be provided. In order for this subsurface disposal system to remain in its current location, the owner of this system shall demonstrate proper operation of the system to the Town of Fishkill Office of Municipal Development." Mr. Volkman stated that in the end the Town allowed the applicant a Hold Harmless Agreement.

Mr. Volkman stated the Applicant has been trying from day one to satisfy condition number 3 on the resolution which states, "There is a common access drive located on the project property which serves several adjacent properties. The Project Sponsor has proposed and the Planning Board accepts their offer to add a new easement which covers the entire length of the common driveway from Old Route 9 to the primary entrance driveway. This new easement shall be suitable in form and content to the Town Planning Board attorney. Full metes and bounds shall be clearly indicated on the site plan and be submitted in written form to the Town of Fishkill." Mr. Volkman stated that they have continually tried to have the neighbor sign the driveway agreement, which he refuses to sign, and has requested certain things which he cannot discuss in public nor are they acceptable. Mr. Volkman stated there was nothing in this agreement about maintenance other than the location of where the easement was. Mr. Volkman stated it was the Planning Board's intention to identify the easement as to its location and the agreement would be recorded. Mr. Volkman stated we are considering amending this condition to allow the applicant to provide an indemnification agreement that would include a declaration that indicates the neighbor is allowed to utilize the driveway. Mr. Andrews stated he agreed with Mr. Volkman and it was never the Board's intent to hold this project up. Mr. Andrews stated he recommends that the Board follow Mr. Volkman's advice.

Mr. LaColla asked if the driveway is entirely on the neighbor's property. Mr. Volkman stated the driveway is entirely on the Applicant's property. Mr. Volkman stated the applicant's engineer at the time thought they could accomplish condition 3, but here we are six (6) months later and the neighbor will not agree.

FINAL

REVIEW
RAINBOW RIDGE PET CEMETERY & CREMATORY - SITE DEVELOPMENT PLAN
AND SPECIAL USE PERMIT
(CONTINUED)

Mr. Volkman stated his recommendation is to amend condition number 3 that would allow a declaration of the current easement to be placed of record as well as a similar indemnification agreement and allow the Chairman to sign the amended Resolution.

Mr. Andrews stated the original condition number 3 was in fact included in the resolution because this particular neighbor wanted this.

Mr. Volkman stated with the Board's consent he, Mr. Colsey and Mr. Andrews will prepare an amended Resolution for the Chairman's signature.

Mr. Stenger made a motion that an Amended Resolution of Final Approval for Site Development Plan and Special Use Permit be prepared and signed by the Applicant when it is ready. Seconded by Mr. Rahemba. Motion carried.

REVIEW
VAN WYCK MEWS - SITE DEVELOPMENT PLAN & SUBDIVISION

Mr. Andrews stated he hasn't had a chance to prepare a written comment memo. Mr. Andrews stated the Resolution of Preliminary Approval for the Subdivision must be completed, as there is an issue with respect to the school district. Mr. Rang stated the agreement with the school district since the beginning was that the land would be given to them for use as a school. Mr. Rang stated that the way the Resolution was drafted it indicates they can use it as they see fit, so we need to get past that issue as Toll Brothers does not want the subdivision process to be held up because of this issue.

Mrs. Birney asked what will happen if the school district does not take the property. Mr. Volkman stated the first part of the condition as it is presently worded needs to be clarified as to whether it's a dedication or if it's only for an elementary school. Mr. Rang stated their biggest concern is the potential for a bus garage. Mr. Volkman stated they are working on this. Mr. Andrews stated he did receive a series of deed descriptions and he still needs all the documents, there are some minor discrepancies in them, which need to be corrected. Mr. Andrews stated that on the Site Plan he has some concerns which need to be addressed none of which are substantial or significant. Mr. Rang stated he wrote to the Army Corp of Engineers trying to obtain their position. Mr. Rang stated they were advised by the Army Corp. of Engineers that since this doesn't require a permit they were not going to respond. Mr. Andrews stated that for MBM Properties there is some paperwork that must be prepared and reviewed by our counsel before it is signed by MBM Properties and Toll Brothers. Mr. Rang stated that they will prepare the paperwork for Mr. Volkman's review.

Mr. Andrews stated he believes that the architectural features, colors, arrangement and style have been accepted by the Board. Mr. Andrews stated they have now incorporated signage which is the same as it is for Van Wyck Meadows and Van Wyck Glen. Mr. Andrews stated the Board needs to review it. Mr. Rang presented an illustration to the Board of the signage, colors and brick samples.

FINAL

REVIEW
VAN WYCK MEWS - SITE DEVELOPMENT PLAN & SUBDIVISION
(CONTINUED)

Mrs. Birney asked if the sign has a retaining wall. Mr. Rang stated that the primary wall of the sign is acting as a retaining wall but it is not retaining the earth.

Mr. Rang stated they are proposing an entry monument sign on both sides of the entrance and in reviewing the ordinance they are only entitled to one sign so they are not sure if they are going to try to obtain a variance on it or not.

Mr. Andrews suggested that the Board resolve signage as part of this Site Plan process and the Resolution of Final Approval.

Mr. Rang stated that they requested to incorporate a commercial component in the community and they have not yet addressed the signage on this with the current code. Mr. Andrews stated this Board has the right of approval for all the occupancies that will be in the retail component so this signage can be done when we know what the usage will be.

Mr. Andrews stated one of the issues that needed to be resolved was lighting and they have submitted a lighting plan and the Board needs to look at it and understand what it is that they are doing. Mr. Andrews stated the lighting that was installed in Van Wyck Meadows and Van Wyck Glen is a little brighter and we have had some calls from residents on this. Mr. Andrews stated that same lighting is being utilized with this project.

Mr. Andrews stated they are incorporating a series of low bollards to light the walking paths in the rear of the buildings, it is a fixture on a 12' pole. Mr. Rang stated they are using the minimum standards for lighting in the parking lot.

Mr. Andrews stated the calls they are receiving from residents indicate that the lights actually are too bright, so we are trying to rectify it now. Mr. Andrews stated before these new lights are installed the Board should take a look at the lighting.

Mr. Andrews stated there are series of retaining walls proposed throughout the site which have been identified as to type. Mr. Andrews stated the Board may want to agree on the colors of these retaining walls. Mr. Andrews stated the lighting and landscaping and snow removal by these walls should be coordinated.

Mr. Andrews stated we talked about the entranceway being 20' wide with no trees and this does have trees. Mr. Marino stated lower plants will work in the entrance.

Mr. Andrews stated from his perspective the Board can entertain drafting a Resolution of Final Approval for Site Development Plan.

Mr. Knips stated the current sign code has some relief sections that says if you can make a case for visibility. Mr. O'Brien stated you are not going to see them until you are right on top of them. Mrs. Birney stated the sign structure is well over the square footage.

FINAL

REVIEW
VAN WYCK MEWS - SITE DEVELOPMENT PLAN & SUBDIVISION
(CONTINUED)

Mrs. Birney stated that she believes that Mr. Volkman stated that the sign area includes the wall it is mounted on. Mr. Volkman stated he does recall both he and Mrs. Johnson stated that. Mr. Rang stated they will get this resolved.

Mr. Rahemba asked if a person puts a sign on the side of building then the whole square footage would be the whole side of the building. Mr. Volkman stated the code does define what a wall sign is and this is not a wall sign.

Mr. LaColla made a motion that a Resolution of Final Approval - Site Development Plan be prepared for review at the September 14, 2006 Planning Board meeting. Seconded by Mrs. Birney. Motion carried.

Mr. LaColla made a motion that the Board waive the final public hearing for the Site Development Plan. Seconded by Mrs. Birney. Motion carried.

Mr. Rang asked if they can ask the Board for final on the subdivision. Mr. Andrews stated the preliminary has not been signed yet and that needs to be completed. Mr. Rang asked if they can discuss those conditions this evening. Mr. Andrews stated the Board does not have a copy of the Resolution of Preliminary Approval for the Subdivision before them this evening. Mr. Andrews suggested these conditions need to be discussed between Mr. Volkman and Mr. Olson. Mr. Volkman stated they are trying to work on this solution and proposed language.

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION

Mr. Andrews reviewed the conditions on the Resolution of Preliminary Approval for the Subdivision. Mr. Andrews stated that the final form of easements and documents need to be fine-tuned.

Mr. Andrews stated there are two (2) parcels - one is the Regency at Fishkill and the other one is a parcel to remain which needs to be addressed in the documents. Mr. Andrews stated there is some minor information on the map that needs to be resolved.

Mr. Andrews reviewed the conditions on the Resolution of Preliminary Approval - Site Development Plan.

Mr. Andrews stated his comments are not substantial like with Van Wyck Mews. Mr. Andrews stated there is one easement that applies to KFC and asked that Mr. Rang have the Town's counsel review it before it is signed. Mr. Rang indicated he would have Mr. Volkman review the easement.

Mr. Andrews stated they did conduct a series of borings and they have submitted a detailed geotechnical report that needs to be tied into the borings results.

FINAL

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION
(CONTINUED)

Mr. Andrews stated notes have been added to the map so that that the road will be utilized as a through road. Mr. Rang stated in January of 2003 they wrote a memo to the Town Board discussing this.

Mr. Andrews stated that they have submitted a separate lighting package which needs to be coordinate with their landscaping plan and other things to make sure it's correct.

Mr. Andrews stated the geotechnical report has extremely detailed conditions which will need to be incorporated into the Resolution of Final Approval - Site Development Plan.

Mr. Andrews stated a condition indicating that no development of parcel 2 without first obtaining a Site Development Plan approval from this Board first must be included as part of a Resolution of Final Approval.

Mr. Andrews stated the applicant, as part of their submittal, have identified some of their own issues that will need to be completed.

Mr. LaColla made a motion that the Board prepare a Resolution of Final Approval - Subdivision and Resolution of Final Approval - Site Development Plan for review at the September 14, 2006. Seconded by Mr. Stenger. Motion carried.

Mr. Knips asked if the name of the development is Regency at Fishkill by Toll Brothers. Mr. Rang stated they will review the sign in accordance with the code.

Mr. LaColla made a motion to waive the final public hearing for the Site Development Plan and Subdivision. Seconded by Mr. Stenger. Motion carried.

WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN

Mr. Knips stated he is recusing himself from this review as well as the review on the Waterfront at Fishkill - Phase IV - River Crest Apartments, Waterfront at Fishkill - Phase VI - Chelsea Fire House, Waterfront and the Signage discussion for the Waterfront at Fishkill - Holly Ridge Townhouses, Rivercrest Apartments and Overlook Pointe Townhouses. Mr. Knips appointed Mrs. Birney, Acting Chair, appointed Mr. Chang to the Board and left the meeting room.

Mr. Andrews reviewed the Resolution of Final Approval - Site Development Plan. Mr. Andrews stated a condition will need to be added that says the applicant will need to petition the Town Board for the lighting district and that this shall be completed before the final site plans are signed by the Chairman.

WATERFRONT AT FISHKILL - PHASE V - OVERLOOK POINTE TOWNHOUSES
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated a site inspection fee of \$28,000.00 is to be included in current condition number 10.

Mr. Andrews stated a condition needs to be added that indicates that the Project Sponsor needs to complete the acquisition process of Well Parcel 2G before the signing of the site plan by the Chairman takes place.

Mr. Andrews stated this is a fee-simple town house development and the applicant has preliminary subdivision approval. Mr. Andrews stated that we need a final subdivision plat to be submitted that meets the Town Code, so another condition shall be added that says they must submit a plat in accordance with §132-12G of the Code of the Town of Fishkill and the Applicant must complete the final subdivision process before the final site drawings are signed by the Chairman.

Mrs. Birney asked Mr. Simone if he agreed to the conditions added by Mr. Andrews this evening. Mr. Simone stated he consented to the conditions as added by Mr. Andrews to the Resolution of Final Approval.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Stenger. Motion carried.

WATERFRONT AT FISHKILL - PHASE IV - RIVER CREST APARTMENTS
SITE DEVELOPMENT PLAN

Mr. Simone stated that the agenda indicates that the modifications to the plan have already been constructed, however these modifications have not yet been constructed. Mr. Simone stated that they have added 15 parking spaces for the end units. Mr. Andrews stated the required number of parking space is 569 and there are current 604 parking spaces. Mr. Simone stated that with this latest modification there will be 619 parking spaces, which is 40 spaces more than what is required by the Town Code. Mr. Simone stated they have experienced in other communities that everyone has more cars.

Mr. Simone stated the half-court basketball court will be replaced with a multi-purpose court and they have substituted the tot pool with a small wading area. Mr. Simone stated that the trash compactor building has been slightly modified.

Mr. Andrews stated this does have Final Site Development Plan Approval and the drawings have been signed by the Chairman. Mr. Andrews stated the Applicant will be looking for a Final C.O. for the clubhouse and for building #20.

FINAL

WATERFRONT AT FISHKILL - PHASE IV - RIVER CREST APARTMENTS
SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated that the additional parking spaces are not unlike others throughout the site. Mr. Andrews stated that by building #30 the parking spaces will need to be lengthened for maneuverability. Mr. Simone stated that they will need to restrict the driveways to one car. Mr. Andrews stated he has no issue with the reconfigured pool area. Mr. Andrews stated that he prefers that the pool be moved an additional 10' away as there is a water line near by.

Mr. Andrews stated there is a one-way in by the trash compactor area, so directional signs will be required. Mr. Andrews stated some drainage needs to be added, as there is a hill there. Mr. Andrews stated there is no provision for water or sewer to this building, certain others have asked for water lines, so they need to be shown on the plan. Mr. Andrews stated interior floor drainage will need to be shown on the drawings as well.

Mr. Andrews stated the Applicant has petitioned the Town Board to form a lighting district of which the Town Board is in favor of. Mr. Andrews stated that the Town Board has agreed to entertain the formation of the lighting district once the applicant submits a map, plan and report.

Mr. Andrews stated Central Hudson has gotten very frugal in terms of what they will afford so the Town is going to see more petitions for the formation of lighting districts.

Mrs. Birney asked if there are adequate parking spaces at Building 30. Mr. Simone stated yes and that every unit in the building will have at least one (1) assigned parking space.

Mr. Andrews stated the Board can write a letter to the file accepting these changes and indicating that the Applicant is free to proceed. Mr. Andrews asked that this letter be subject to his review before it is put in the project file.

Mr. LaColla made a motion that a letter be prepared to file accept these modifications be prepared by Mr. Colsey and that such letter be reviewed by Mr. Andrews before it is made part of the file. Seconded by Mr. Stenger. Motion Carried.

WATERFRONT AT FISHKILL - PHASE VI CHELSEA FIRE HOUSE - SITE
DEVELOPMENT PLAN

Mr. Andrews stated he did a site inspection on April 28, 2006 and there are some variations between what was built and what was on the site plan. Mr. Andrews stated there was a handicap ramp added to the westerly side of the building. Mr. Simone stated there was a different NYS Code in affect when this fire house was approved so handicap accessibility was not require for each floor, but now it is since it is termed assembly occupancy on certain floors.

**WATERFRONT AT FISHKILL - PHASE VI CHELSEA FIRE HOUSE - SITE
DEVELOPMENT PLAN
(CONTINUED)**

Mr. Andrews stated that some minor changes were made to storm drainage and they have added some catch basins. Mr. Andrews stated there is a requirement for a generator now which has been added. Mr. Andrews stated they added some floor drains inside the buildings and because of the nature of their response time, they end up having to wash trucks and the custom and practice is to add an oil and grease separator which is below grade.

Mr. Andrews stated there is a wood shadow box fence that goes around the building down to the retail center which was originally chain link. Mr. Andrews stated consistent with a lot of comments at the public hearing we asked Mr. Simone to change the fence which he did. Mr. Andrews stated that he takes no exception to the wood shadow box fence.

Mr. Andrews stated the handicap ramp and the generator are not substantial enough to reopen the application but it is the Board's decision.

Mr. Andrews stated the testing of generator should be restricted to 30 minutes to 45 minutes and conditions should be included in the letter to file in accordance with the Town Code.

Mr. Rahemba made a motion that a letter be prepared to file accepting these modifications and including a condition as to the generator testing, such letter is to be reviewed by Mr. Andrews prior to filing it in the project file. Seconded by Mr. Stenger. Motion carried.

SIGNAGE
**WATERFRONT AT FISHKILL - HOLLY RIDGE TOWNHOUSES, RIVERCREST
APARTMENTS AND OVERLOOK POINTE TOWNHOUSES**

Mr. Colsey reviewed his memorandum to the Board dated August 24, 2006; a copy of this memorandum is attached to the original minutes. Mr. Simone asked if he needs to go the ZBA or does this Board have the authority to grant the waiver on the number of words on the signs. Mr. Colsey stated Ms. Gomes has asked that we try to keep these items with the Planning Board, as the ZBA is not really adept to handling it.

Mr. Volkman asked if Ms. Gomes is saying that the Board has the authority to waive the verbiage as well as the size of the sign. Mr. Colsey stated yes for example McDonald's, Ms. Gomes asked why that went before the ZBA. Mr. Volkman stated he doesn't agree with Ms. Gomes, as this should be sent to the ZBA because the Sign Code indicates that the Planning Board cannot waive the verbiage. Mr. Volkman asked Mr. Colsey to have Ms. Gomes call him on this. Mr. Stenger stated if the code clearly indicates that this must go to the ZBA. Mr. Volkman stated his interpretation is that this must go to the ZBA.

Mr. Colsey stated the community signs conform in size but not in verbiage and on the other signs, the dimensions do not conform.

SIGNAGE
WATERFRONT AT FISHKILL - HOLLY RIDGE TOWNHOUSES, RIVERCREST
APARTMENTS AND OVERLOOK POINTE TOWNHOUSES
(CONTINUED)

Mr. Simone stated they are fully aware that the one main sign does not comply and they need some direction as to whether to discuss this with ZBA and then they would look to this Board to make recommendations on the color and aesthetics. Mr. Simone stated he realizes that this is a sign that is not covered within the code.

Mrs. Birney asked if a monument sign indicating Waterfront at Fishkill Communities is within the code. Mr. Simone stated it was their intent to address the other communities as well. Mr. Simone stated he will table the large sign for now and if it's something the Planning Board and the Town doesn't generally like it will be pulled from this package.

Mr. Simone asked that the Board refer him to the ZBA on the issue of permitted number of words. It was the consensus of the Board that the colors and materials as presented this evening are acceptable.

Mr. LaColla made a motion to refer this to the ZBA on the issue of the permitted number of words. Seconded by Mr. Stenger. Motion carried.

Mr. LaColla made a motion to close the meeting at 8:55 p.m. Seconded by Mr. Stenger. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary